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INTERNATIONAL LAW AND PRACTICE

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INTRODUCTION

This List comprises references to treatises on international law in which the theory and practice of recognition are discussed, to treatises on diplomatic history, and to essays on specific cases of recognition.

The method of procedure followed by the United States in recognizing new states is briefly set forth in Senate document no. 40 of the Fifty-fourth Congress, second session, in a report drawn up by the Chief of the Bureau of rolls, Department of state. The diplomatic correspondence containing the recognition of States by this country from 1861 to the present time is contained in the series now published by the Department of State under the title "Foreign relations," previously under the title "Diplomatic correspondence." Detailed references to this correspondence as concerning recognition are contained on pages 16 and 17 of the present list. For correspondence prior to 1861 there are the "American State papers. Foreign relations."

The recognition of the *United States by France in 1778* is treated in Calvo's "Le droit international théorique et pratique," Doniol's "Histoire de la participation de la France à l'établissement des États-Unis d'Amérique," Paris, 1886, 5 vols.; Martens's "Causes célèbres du droit des gens," 2^e éd.; Sparks's "Diplomatic correspondence of the Revolution," and Wharton's "The Revolutionary diplomatic correspondence of the United States."

The recognition of the *French Republic in 1793* by the United States is treated in the "American state papers. Foreign relations," vol. 1; Jefferson's "Writings," vol. 3, pp. 489, 500, 522. Washington, 1853; Lyman's "The diplomacy of the United States: being an account of the foreign relations of the country," 2d ed., vol. 1, pp. 288-297; and Senate Document no. 40, 54th Congress, 2d session.

The recognition of the *Spanish-American colonies* receives special treatment in Callahan's "Cuba and international relations," Calvo's "Le droit international théorique et pratique," vol. 1, pp. 242-243; Latané's "The diplomatic relations of the United States and Spanish America," Canning's "Speeches," vol. 5, pp. 299-304; Sir James Mackintosh's speech in Parliament, June 15, 1824, contained in his "Miscellaneous works," pp. 747-768; Paxson's "The independence of South American republics," President Monroe's Message, forming

House Document no. 90, 17th Congress, 1st session; and in "Report from the Secretary of state relative to the intervention of foreign governments to induce Spain to acknowledge the independence of the South American governments," Feb. 1, 1826. See also the "Memoirs of John Quincy Adams," vol. 5, pp. 489, 491-492; vol. 6, pp. 6, 283, 487, 544.

Recognition of Texas.—In regard to the proceedings in recognizing Texas there are the "British and foreign state papers," vol. 25, pp. 1352-1411; Sir William Vernon Harcourt's "Letters by Historicus on some questions of international law," containing a chapter on "The Texan precedent;" and "Message from President Jackson relative to the 'political, military, and civil condition of Texas,'" forming Senate document no. 20, 24th Congress, 2d session.

The *recognition of the Confederate states* by foreign governments is treated in Bernard's "A historical account of the neutrality of Great Britain during the American Civil war;" Bluntschli's "Opinion impartiale sur la question de l'Alabama et sur la manière de la résoudre;" Campbell's "Speech on recognition of the Southern Confederacy;" Gibbs's "Recognition: a chapter from the history of the North American and South American states;" Great Britain. Foreign office. "Correspondence with Mr. Mason respecting blockade and recognition of the Confederate states;" Hall's "A treatise on international law," 5th ed., pp. 30-40; Sir William Vernon Harcourt's "Letters by Historicus on some questions of international law;" Earl Russell's "Speech on recognition of the Southern Confederacy," and Spence's "On the recognition of the Southern Confederation." See also "Neutrality of Great Britain in the civil war," forming Senate Document No. 18, 58th Congress, 1st session.

In regard to recognizing the *French government in Mexico*, there are the following: Davis's "Joint resolution on Mexican affairs. A report and resolution addressed to the House of Representatives;" and his "Foreign policy of the United States in regard to Mexican affairs. A speech in the House of Representatives;" Noll's "From Empire to Republic; the story of the struggle for constitutional government in Mexico;" and House report no. 129 of the 38th Congress, 1st session.

For the recognition of the *French Republic in 1870* there are the "Diplomatic correspondence," issued by the State department, 1870, and Washburne's "Franco-German war and insurrection of the commune," pp. 64-67.

The correspondence with the agent employed to visit Hungary with a view to the consideration of recognizing the *independence of Hungary* is printed in Senate document no. 43 of the 31st Congress, 1st session. See also the "Correspondence with the Chevalier Hülse-mann," printed in Webster's "Works," vol. 6, pp. 488-506, Boston, 1851 (vol. 12, pp. 162-180, Boston, 1903).

Discussions of the *recognition of Panama* are Cullom's "The Panama situation," in "The Independent," vol. 55, Nov. 26, 1903, pp. 2787-2790; W. C. Dennis's "The Panama situation in the light of international law," in "American law register," vol. 52, May, 1904, pp. 265-306; Senator Lodge's speech in the Senate of the United States, January 5, 1904; Maxey's "Legal aspects of the Panama situation;" G. G. Phillimore's "Current notes on international law: the new state of Panama," in "Law magazine review," vol. 29, Feb., 1904, pp. 212-216; G. W. Scott's "Was the recognition of Panama a breach of international morality?" in "The Outlook," vol. 75, Dec. 19, 1903, pp. 947-950; and Woolsey's "The recognition of Panama and its results," in "Green bag," vol. 16, Jan., 1904, pp. 6-12.

Recognition an Executive function.—In a report presented by Senator Hale, January 11, 1897, forming Senate document no. 56, 54th Congress, 2d session, are recited the proceedings in connection with the recognition of the Spanish-American republics and Texas, to support the doctrine of the power of the Executive to recognize new states.

The *constitutional right of Congress* to recognize a foreign nation is asserted in Henry Winter Davis's report and resolution addressed to the House of Representatives, June, 1874, printed in his "Speeches and addresses," pp. 456-471. It contains a review of precedents in recognition of foreign governments by the United States.

The *constitutional right of recognition* is considered in the following: Curtis's "Constitutional history of the United States," vol. 1, p. 580; Pomeroy's "An introduction to the constitutional law of the United States;" Rawle's "A view of the Constitution of the United States of America," 2d ed., pp. 195-196; and Story's "Commentaries on the Constitution of the United States," 5th ed., pp. 384-385.

The *doctrine and practice of recognition in international law* are considered in Block's "Reconnaissance internationale," in his "Dictionnaire général de la politique," nouvelle éd. vol. 2, pp. 772-773; Bluntschli's "Le droit international codifié," 5e éd., pp. 71-77; Bonfils's "Manuel de droit international public," 3. éd., pp. 107-115; Calvo's "Le droit international théorique et pratique," 5e éd.; George B. Davis's "The elements of international law," pp. 42, 43, 278, 279; Féraud-Giraud's "De la reconnaissance de la qualité de belligérants dans les guerres civiles," in "Revue générale de droit international public," vol. 3, pp. 277-291; Hall's "A treatise on international law," 5th ed.; Halleck's "International law; or Rules regulating the intercourse of states in peace and war," vol. 1, pp. 72-74; Sir William Vernon Harcourt's "Letters by Historicus on some questions of international law;" Heffter's "Le droit international de l'Europe," pp. 58-63; von Holtzendorff's "Handbuch des Völkerrechts," vol. 2, pp. 23-33; "Kent's commentary on international law," 2d ed., pp. 85-95; von Liszt's "Das Völkerrecht," 2. Auflage, pp. 37-39; Lorimer's "La

doctrine de la reconnaissance, fondement du droit international," in "Revue de droit international," vol. 16, pp. 333-359; also his "The institutes of the law of nations," and "Studies, national and international," pp. 144, 155, 160; Martens's "Causes célèbres du droit des gens," 2e éd., vol. 3, pp. 140-253; *Marqués de Olivart's* "Del reconocimiento de beligerancia y sus efectos inmediatos;" Sir Robert J. Phillimore's "Commentaries upon international law," 2d ed., vol. 2, pp. 16-40; Pradier-Fodéré's "Traité de droit international public, Européen & Américain," vol. 1, pp. 235-243; Rivier's "Principes du droit des gens," vol. 1, pp. 57-61; J. B. Scott's "Cases on international law selected from decisions of English and American courts," pp. 37-45; Snow's "Cases and opinions on international law," p. 13; Vattel's "The law of nations," pp. 457-458; Wharton's "A digest of the international law of the United States," vol. 1, pp. 521-553; and Wheaton's "Elements of international law," pp. 34-38.

In connection with the discussion in Congress as to recognizing Cuban independence, Senator Cullom presented a report on December 21, 1896, forming Senate report no. 1160, of the 54th Congress, 2d session, in which he cites "the modern precedents of European insurrection and intervention, where independence was the issue involved."

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——— 24th Congress, 1st session. Senate document no. 406. Report from the Committee on foreign relations, to whom were referred resolutions of the legislature of Connecticut, sundry memorials, and other proceedings of various meetings of the people, all recommending the recognition of the independence of Texas. June 18, 1836. 3 pp. 8°.

——— 24th Congress, 2d session. Senate document no. 20. Message from the President [Andrew Jackson] relative to the "political, military, and civil condition of Texas." Dec. 22, 1836. 36 pp. 8°.

Extracts from the report of Henry M. Morfit. Deals with recognition of independence of Texas.

"The title of Texas to the territory she claims is identified with her independence; she asks us to acknowledge that title to the territory, with an avowed design to treat immediately of its transfer to the United States. It becomes us to beware of a too early movement, as it might subject us, however unjustly, to the impu-

tation of seeking to establish the claim of our neighbors to a territory, with a view to its subsequent acquisition by ourselves. Prudence, therefore, seems to dictate that we should still stand aloof, and maintain our present attitude, if not until Mexico itself or one of the great foreign powers shall recognize the independence of the new Government, at least until the lapse of time or the course of events shall have proved, beyond cavil or dispute, the ability of the people of that country to maintain their separate sovereignty, and to uphold the government constituted by them.

United States. *31st Congress, 1st session.* Senate document no. 43. Message from the President, communicating copies of the correspondence with the agent employed to visit Hungary during the recent war between that country and Austria. April 3, 1850. 15 pp. 8°.

————— Senate document no. 43, pt. 2. Report of the Secretary of State, with additional correspondence. May 18, 1850. 4 pp. 8°.

In regard to recognizing the independence of Hungary.

————— *34th Congress, 1st session.* Senate executive document no. 68. Message of the President of the United States, communicating sundry documents in relation to the affairs with the Government of Nicaragua, and information that the new minister from that Government has been accredited by this Government. May 15, 1856. 176 pp. 8°.

Recognition of governments *de facto*, in Nicaragua and the other Spanish-American republics, pp. 5-6.

————— *38th Congress, 1st session.* House executive document no. 92. Message from the President, in answer to a resolution of the House of 23d instant, in relation to Mexico. May 24, 1864.

In regard to recognition of France in Mexico.

————— House report no. 129. Report from the Committee on foreign affairs relative to the joint resolution on Mexican affairs. June 27, 1864. 11 pp. 8°.

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————— *42d Congress, 2d session.* Senate executive document no. 31. The case of the United States, to be laid before the tribunal of arbitration, to be convened at Geneva under the provisions of the treaty between the United States of

America and Her Majesty the Queen of Great Britain, concluded at Washington, May 8, 1871.

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United States. *54th Congress, 2d session.* Senate document no. 40. Memorandum on the method of "recognition" of foreign governments and foreign states by the government of the United States, 1789-1897. January 5, 1897. 15 pp. 8°.

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————— Senate report no. 1160. Recognition of Cuban independence. Report from the Committee on foreign relations. December 21, 1896. 103 pp. 8°.

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